### UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

FEDERAL TRADE COMMISSION,

STATE OF ILLINOIS, and

STATE OF MINNESOTA,

Plaintiffs,

v.

GTCR, LLC,
GTCR BC HOLDINGS, LLC, and
SURMODICS, INC.,

Defendants.

Case No. 1:25-cv-02391

### JOINT SUBMISSION OF THE PARTIES' DRAFT PROPOSED PRE-HEARING ORDER

As previewed for the Court at the July 25, 2025 hearing and in the Parties' August 1, 2025 Joint Status Report (Dkt. 200), the Parties have met and conferred regarding the Proposed Pre-Hearing Order. The Parties have agreed on some elements of a Proposed Pre-Hearing Order but disputes remain as to certain issues. The Parties respectfully submit the attached draft Proposed Pre-Hearing Order, which contains each side's proposals regarding outstanding disputed issues. The Parties respectfully request the Court's assistance in resolving these areas of impasse. The Parties are available at the Court's earliest convenience to address the competing proposals contained in the draft Proposed Pre-Hearing Order, attached hereto as Exhibit A.

### August 4, 2025

Respectfully submitted,

### /s/ Maia Perez (with consent)

Maia Perez Federal Trade Commission 600 Pennsylvania Avenue, NW Washington, DC 20580 (202) 326-3522 mperez@ftc.gov

Counsel for Plaintiff Federal Trade Commission

Le'Ora Tyree Federal Trade Commission Midwest Regional Office 230 S. Dearborn Street, Room 3030 Chicago, IL 60604

Local Counsel for Plaintiff Federal Trade Commission

# /s/ John Milligan

JOHN MILLIGAN
Assistant Attorney General
Office of the Illinois Attorney General
115 S. LaSalle Street, Floor 23
Chicago, IL 60603
(773) 505-5937
John.Milligan@ilag.gov

Counsel for Plaintiff State of Illinois

### /s/ Elizabeth Odette

ELIZABETH ODETTE

Manager, Assistant Attorney General Antitrust Division elizabeth.odette@ag.state.mn.us

### /s/ Zach Biesanz

**ZACH BIESANZ** 

Senior Enforcement Counsel Antitrust Division Office of the Minnesota Attorney General 445 Minnesota Street, Suite 600

### /s/ Sean M. Berkowitz

Sean M. Berkowitz
Gary Feinerman
Heather A. Waller
LATHAM & WATKINS LLP
330 North Wabash Avenue, Suite 2800
Chicago, IL 60611
312-876-7700
sean.berkowitz@lw.com
gary.feinerman@lw.com
heather.waller@lw.com

Kelly S. Fayne (pro hac vice) LATHAM & WATKINS LLP 505 Montgomery Street, Suite 2000 San Francisco, CA 94111 415-391-0600 kelly.fayne@lw.com

Marguerite Sullivan (pro hac vice)
Ian Conner (pro hac vice)
Amanda P. Reeves (pro hac vice)
Lawrence Buterman (pro hac vice)
LATHAM & WATKINS LLP
555 Eleventh Street, NW
Washington, DC 20004
202-637-2200
marguerite.sullivan@lw.com
ian.conner@lw.com
amanda.reeves@lw.com
lawrence.buterman@lw.com

## /s/ <u>Daniel P. Culley</u>

Daniel P. Culley
D. Bruce Hoffman (pro hac vice)
Blair West Matthews (pro hac vice)
Cleary Gottlieb Steen & Hamilton LLP
2112 Pennsylvania Avenue NW
Washington, DC 20037
(202) 974-1593
dculley@cgsh.com
bhoffman@cgsh.com
bmatthews@cgsh.com

Saint Paul, MN 55101 (651) 757-1257 zach.biesanz@ag.state.mn.u

Counsel for Plaintiff State of Minnesota

Heather S. Nyong'o (pro hac vice) Cleary Gottlieb Steen & Hamilton LLP 650 California St. San Francisco, CA 94108 415-796-4400 hnyongo@cgsh.com

Counsel for Defendants GTCR, LLC and GTCR BC Holdings, LLC

/s/ Paul Saint-Antoine
Paul Saint-Antoine
Joanne C. Lewers
FAEGRE DRINKER BIDDLE & REATH
LLP
One Logan Square, Suite 2000
Philadelphia, PA 19103
(215) 988-2990
paul.saint-antoine@faegredrinker.com

Joshua P. Mahoney
FAEGRE DRINKER BIDDLE & REATH
LLP
320 South Canal Street, Suite 3300
Chicago, IL 60606
Tel: (312) 212-6520
josh.mahoney@faegredrinker.com

Counsel for Defendant Surmodics, Inc.